

THE HONORABLE KYMBERLY K. EVANSON

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

CINDY BALMORES,
JUSTIN BRASWELL,
DEBORAH GARVIN, and
THEA ANDERSON,
for themselves,
as private attorneys general, and
on behalf of all others similarly situated,

Plaintiffs,

v.

SIRIUS XM RADIO INC.,

Defendant.

Case No. 2:24-cv-886-KKE

**STIPULATION AND ORDER TO STAY
CASES PENDING MEDIATION**

1 **WHEREAS**, on June 21, 2024, Plaintiffs Cindy Balmores, Justin Braswell, Deborah
2 Garvin, and Thea Anderson individually, as private attorneys general, and on behalf of all
3 others similarly situated, (“Plaintiffs”) filed the above-captioned action *Balmores et al v. Sirius*
4 *XM Radio Inc.*;

5 **WHEREAS**, this matter is presently pending before this Court;

6 **WHEREAS**, the parties in the instant litigation plan to engage a private mediator in
7 order to attempt to resolve the claims in this dispute and others across the country;

8 **WHEREAS**, the parties seek to stay all proceedings for a period of sixty (60) days
9 while they pursue mediation in good faith in order to conserve the resources of the parties, third
10 parties, and the Court;

11 **WHEREAS**, this Court has “the power to stay proceedings . . . incidental to the power
12 inherent in every court to control the disposition of the causes on its docket with economy of
13 time and effort for itself, for counsel, and for litigants.” *Landis v. N. Am. Co.*, 299 U. S. 248,
14 254 (1936);

15 **WHEREAS**, courts across this country regularly stay cases referred to mediation;

16 **WHEREAS**, mediation may resolve this case and others in their entirety;

17 **WHEREAS**, a stay may conserve judicial resources by allowing the court to avoid
18 expending resources on resolving disputes which may become moot if mediation resolves the
19 parties’ claims;

20 **IT IS HEREBY STIPULATED AND AGREED**, by and among the Parties, and
21 subject to the approval of the Court that:

22 1. The parties shall engage in mediation before a private-mediator selected
23 according to terms negotiated by both parties, according to a jointly devised procedure;

2. These proceedings shall be stayed in their entirety for a period of sixty (60) days, in order that the parties may pursue mediation; and

3. The parties shall provide the Court with a joint update regarding the status of the mediation effort, including any proposed schedule for further mediation or litigation, no less than ten (10) days prior to the expiration of the stay.

DATED: July 16, 2024

/s/ Eric P. Stephens

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* *Pro hac vice* application to be submitted

And

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* *Pro hac vice* application to be submitted

Attorneys for Plaintiffs

and the Proposed Class

July 18, 2024

SO ORDERED:



Kimberly K. Evanson

United States District Judge